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4 Attorneys for Defendant  
5 GEO GROUP, INC. (Also erroneously sued  
herein as WESTERN REGION  
6 DETENTION FACILITY)

7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 VALARIE LAW,

12 Plaintiff,

13 v.

14 GEO GROUP, INC. a California  
business, and WESTERN REGION  
15 DETENTION FACILITY, a  
California business, and DOES 1  
16 through 20, inclusive,

17 Defendants.

Case No. 3:12-cv-2089-JLS-BGS

**DEFENDANT'S ANSWER TO  
PLAINTIFF'S COMPLAINT; AND  
DEMAND FOR JURY TRIAL**

18  
19 COMES NOW Defendant GEO GROUP, INC., in response to plaintiff's  
20 Complaint,<sup>1</sup> filed on June 14, 2012, and admits, avers, and denies as follows:

21 **GENERAL ALLEGATIONS**

22 1. In response to paragraph 1 of plaintiff's Complaint, Defendant admits  
23 that plaintiff resides in the County of Los Angeles, in California. Except as  
24 admitted herein, Defendant denies any remaining allegations for lack of information  
25 and belief.

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28 <sup>1</sup> Defendant removed this case based on diversity jurisdiction, and the Complaint is attached to  
defendant's Notice of Removal. (Doc. #1.)

1           2.       In response to paragraph 2 of plaintiff's Complaint, Defendant denies  
2 that Western Region Detention Facility is a separate business entity, and asserts that  
3 it is a facility operated by the GEO GROUP, INC., a Florida Corporation.

4 Defendant denies any remaining allegations for lack of information and belief.

5           3.       In response to paragraph 3 of plaintiff's Complaint, Defendant admits  
6 that GEO GROUP, INC., does business in the State of California. Except as  
7 admitted herein, Defendant denies any remaining allegations for lack of information  
8 and belief.

9           4.       In response to paragraph 4 of plaintiff's Complaint, Defendant lacks  
10 sufficient information to answer the allegations about LAUFENBURGER, who is  
11 not otherwise identified in the Complaint, and on that basis denies the allegations  
12 for lack of information and belief.

13           5.       In response to paragraph 5 of plaintiff's Complaint, Defendant denies  
14 that it acted as the agent or employee of any other person, and denies that it ratified  
15 or authorized any improper actions. Defendant denies any remaining allegations  
16 for lack of information and belief.

17           6.       In response to paragraph 6 of plaintiff's Complaint, Defendant admits  
18 that it operates the Western Region Detention Facility, but denies that it is the alter  
19 ego of any other entity. Defendant denies any remaining allegations for lack of  
20 information and belief.

21           7.       In response to paragraph 7 of plaintiff's Complaint, Defendant admits  
22 that venue is proper in this Court since the incident occurred in San Diego County.  
23 Except as admitted herein, Defendant denies any remaining allegations for lack of  
24 information and belief.

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## FACTUAL BACKGROUND

8. In response to paragraph 8 of plaintiff's Complaint, Defendant admits that plaintiff is an individual and that she resides in the County of Los Angeles, in California. Except as admitted herein, Defendant denies any remaining allegations for lack of information and belief.

9. In response to paragraph 9 of plaintiff's Complaint, Defendant admits that it operates the Western Region Detention Facility in San Diego, California. Defendant denies that Western Region Detention Facility is a separate entity. Except as admitted herein, Defendant denies any remaining allegations for lack of information and belief.

10. In response to paragraph 10 of plaintiff's Complaint, Defendant admits that plaintiff was visiting an inmate on June 18, 2010. Except as admitted herein, Defendant denies any remaining allegations for lack of information and belief.

11. In response to paragraph 11 of plaintiff's Complaint, Defendant denies that there were no warning cones, signs, or other warnings that the floor had been mopped prior to the incident. Except as admitted herein, Defendant denies any remaining allegations for lack of information and belief.

## FIRST CAUSE OF ACTION: NEGLIGENCE

12. Defendant re-alleges and incorporates herein by reference the responses set forth above in paragraphs 1 to 11.

13. In response to paragraph 13 of plaintiff's Complaint, Defendant admits that it operates the Western Regional Detention Facility in San Diego, California. Defendant admits that plaintiff was lawfully on the property as a visitor of an inmate. Except as admitted herein, Defendant denies any remaining allegations for lack of information and belief.

14. In response to paragraph 14 of plaintiff's Complaint, Defendant denies that it negligently failed to maintain the floor of the facility in a safe

1 condition. Defendant denies that plaintiff was not warned of the recent mopping of  
 2 the floor. Defendant denies any remaining allegations for lack of information and  
 3 belief.

4 15. In response to paragraph 15 of plaintiff's Complaint, Defendant  
 5 denies that plaintiff fell as the result of any negligence on its part. Defendant  
 6 denies any remaining allegations for lack of information and belief.

7 16. In response to paragraphs 16 and 17 of plaintiff's Complaint,  
 8 Defendant denies that plaintiff was injured as a result of any of its actions or  
 9 inactions. Defendant denies any remaining allegations for lack of information and  
 10 belief.

## 11 **SECOND CAUSE OF ACTION: PREMISES LIABILITY**

12 17. Defendant re-alleges and incorporates herein by references the  
 13 responses set forth above in paragraphs 1 to 16.

14 18. In response to paragraph 19 of plaintiff's Complaint, Defendant  
 15 admits it operates the Western Region Detention Facility in San Diego, and admits  
 16 plaintiff was lawfully on the premises to visit an inmate. Except as admitted herein,  
 17 Defendant denies any remaining allegations for lack of information and belief.

18 19. In response to paragraph 20 of plaintiff's Complaint, Defendant  
 19 denies that it created unreasonably dangerous conditions on the floor of the facility.  
 20 Defendant denies any remaining allegations for lack of information and belief.

21 20. In response to paragraphs 21 and 22 of plaintiff's Complaint,  
 22 Defendant denies that plaintiff was injured as a result of defendant's actions or  
 23 inactions. Defendant denies any remaining allegations for lack of information and  
 24 belief.

25 21. In response to paragraph 23 of plaintiff's Complaint, defendant denies  
 26 plaintiff is entitled to compensatory damages, special damages, lost wages, or any  
 27 other damages in any amount.

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**AFFIRMATIVE DEFENSES**

As separate and affirmative defenses, Defendant alleges as follows:

**FIRST AFFIRMATIVE DEFENSE**

22. Plaintiff's Complaint fails to state a claim upon which relief can be granted. Plaintiff's Complaint also fails to state a claim against Defendant GEO GROUP, INC..

**SECOND AFFIRMATIVE DEFENSE**

23. Plaintiff has suffered no actual injury due to Defendant's conduct.

**THIRD AFFIRMATIVE DEFENSE**

24. Defendant did not breach any duty owed to Plaintiff.

**FOURTH AFFIRMATIVE DEFENSE**

25. The contributory negligence of plaintiff was a proximate cause in causing any injuries to her. Plaintiff's recovery against defendant should therefore be reduced in proportion to the amount of negligence attributable to plaintiff.

**FIFTH AFFIRMATIVE DEFENSE**

26. Defendant alleges that liability, if any, for all non-economic damages shall be allocated in direct proportion to each tortfeasor's percentage of fault. Civil Code, § 1431, et seq.

**SIXTH AFFIRMATIVE DEFENSE**

27. Defendant was given no notice of any alleged dangerous condition at the facility in time to rectify any such alleged condition prior to the alleged injuries of the plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE**

28. Defendant had no actual or constructive knowledge of the alleged dangerous or unsafe condition which plaintiff claims caused his injuries.

**EIGHTH AFFIRMATIVE DEFENSE**

29. Plaintiff had knowledge of the risks and hazards involved in the activity at the time and place of the alleged incident and voluntarily engaged therein

1 thereby assumed the risks and hazards thereof.

## 2 **NINTH AFFIRMATIVE DEFENSE**

3 30. At all relevant times, Defendant acted within the scope of discretion,  
4 with due care, and good faith fulfillment of responsibilities pursuant to applicable  
5 statutes, rules and regulation, within the bounds of reason under all circumstances  
6 known, and with the good faith belief that its actions comported with all applicable  
7 federal and state laws. Defendant therefore asserts its qualified immunity from  
8 liability.

## 9 **TENTH AFFIRMATIVE DEFENSE**

10 31. Any and all happenings, events, damages and injuries, if any, referred  
11 to in the Complaint were proximately caused and contributed by Plaintiff's own  
12 conduct in that she failed to exercise ordinary care at the alleged times and places.

## 13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 32. Plaintiff's own conduct estops her from claiming the damages alleged  
15 in the Complaint.

## 16 **TWELFTH AFFIRMATIVE DEFENSE**

17 33. Plaintiff failed to mitigate her own damages.

## 18 **THIRTEENTH AFFIRMATIVE DEFENSE**

19 34. The causes of action herein are subject to the statutory limitation of  
20 Civil Code section 1431, et seq., relating to joint and several liability for economic  
21 and non-economic damages.

## 22 **FOURTEENTH AFFIRMATIVE DEFENSE**

23 35. Should Plaintiff recover damages against Defendant, Defendant is  
24 entitled to have the amount abated, apportioned or reduced to the extent that any  
25 other party's negligence caused or contributed to damages, if any there were.

## 26 **FIFTEENTH AFFIRMATIVE DEFENSE**

27 36. These answering Defendant alleges by way of a plea of comparative  
28 negligence that Plaintiff and other parties were negligent in and about the matters

1 and activities alleged in the Complaint, that said negligence contributed to and was  
 2 a proximate cause of the alleged injuries and damages, if any, and that if Plaintiff  
 3 and/or other parties are found to have been negligent, and if the Plaintiff is entitled  
 4 to recover damages against the answering Defendant by virtue of the Complaint,  
 5 this Defendant prays that said recovery be diminished by reason of the negligence  
 6 of the Plaintiff in proportion to the degree of fault attributable to the Plaintiff.

#### 7 **SIXTEENTH AFFIRMATIVE DEFENSE**

8 37. At all relevant times, Defendant acted independently and not in  
 9 association or concert with or as agent or servant of any other Defendant, including  
 10 any sued herein under fictitious names, or of the employees or agents of defendant.

#### 11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 38. In so far as Defendant delegated any duty to any subordinate, such  
 13 delegation was at all times done in good faith, and with due care. Defendant  
 14 therefore is not liable for any act or omission of any subordinate.

#### 15 **EIGHTEENTH AFFIRMATIVE DEFENSE**

16 39. Under Government Code section 985, any judgment entered herein  
 17 may be reduced for collateral source payments paid or obligated to be paid for  
 18 services or benefits that were provided prior to commencement of trial.

#### 19 **NINETEENTH AFFIRMATIVE DEFENSE**

20 40. Plaintiff's claims are barred by all applicable statute of limitations,  
 21 including but not limited to the state statute of limitations for personal injury  
 22 actions. (Cal. Code Civ. P. §§ 335.1. and 352.1.)

#### 23 **TWENTIETH AFFIRMATIVE DEFENSE**

24 41. Because the Complaint is couched in conclusory terms, answering  
 25 Defendant cannot fully anticipate all affirmative defenses that may be applicable to  
 26 this action. Accordingly, the right to assert additional affirmative defenses, if and  
 27 to the extent that such affirmative defenses are applicable, is hereby reserved.

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**DEMAND FOR JURY TRIAL**

Defendant hereby demands a trial before a jury on all issues presented by Plaintiff's Complaint triable to a jury.

**PRAYER FOR RELIEF**

WHEREFORE, defendant prays as follows:

1. That plaintiff take nothing by this action;
2. That defendant be awarded attorneys' fees and costs of this suit; and
3. That defendant be awarded such other relief as the court deems just.

Dated: August 30, 2012

BURKE, WILLIAMS & SORENSEN,  
LLP

By: /s/ Susan E. Coleman  
Susan E. Coleman

Attorneys for Defendant  
GEO GROUP, INC. (Also erroneously  
sued herein as WESTERN REGION  
DETENTION FACILITY)